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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,463	02/09/2002	Jerome James Scheuring	46884.00019	9966

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SQUIRE, SANDERS & DEMPSEY L.L.P
600 HANSEN WAY
PALO ALTO, CA 94304-1043

EXAMINER

DEANE JR, WILLIAM J

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/071,463

Applicant(s)

SCHEURING ET AL.

Examiner

William J Deane

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 28 - 29 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, claim 28 is not a complete sentence and claim 29 does not end in a period.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 3, 6, 9, 24 - 31 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 5,872,841 (King et al.).

With respect to claim 1, King teaches a computer-based method, comprising receiving a telephone call, identifying a caller (note element #56) and determining a caller relationship note use of VIP (Col. 11, line 4).

With respect to claim 2, note Col. 4, line 65.

With respect to claim 3 and 6 note calendar system 15.

With respect to claim 9, note voicemail system #14.

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With respect to claim 24 - 29, note Col. 11, line 29 – 64.

With respect to claims 30 – 31 note the above.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 40 – 43 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent No. 6,480,830 (Ford et al.).

With respect to claims 40 – 43, note Figs. 4 and 6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 – 5, 7 – 8, 10 – 19, 21 – 23 and 32 – 39 are rejected under 35 U.S.C.

103(a) as being unpatentable over King et al. in view of U.S. Patent Application No. 2002/0076026 (Batten).

With respect to claims 4 – 5 such limitations are nothing more than well known blocking or call screening and is notoriously old in the art as shown by Batten (see Abstract and paragraph 0092 – 0093). It would have been obvious for one of ordinary skill in the art to have incorporated such call blocking as taught by Batten into the King

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et al. method based on a life setting or calendar event in order to ensure no calls during non-available or busy times, i.e., during a meeting or the like.

With respect to claims 7 - 8, note tables 1 and 2 of King et al. and the rejection with respect to claims 4 - 5 above.

With respect to claims 10 - 19, note element 14 of Batten and voice mail system of King et al. (see Col. 7, line 53 - Col. 8, line 42).

With respect to claims 21 - 23, such is obvious in view of the above. In addition, note use of the Internet and therefore the ability to display information.

With respect to claims 32 - 39 are obvious from the rejections above.

With respect to claims 44 - 65, the limitations of these claims have been addressed above with respect to claims 1 - 43 and would be rejected in a like manner.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:


U.S. Patent Nos. 6,571,281 (Nickerson), 6,104,788 (Shaffer et al.), 6,480,830 (Ford et al.) and U.S. Patent Application Nos. 2002/0052768 (Walker et al.), 2001/0014863 (Williams III).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (703) 306-5838. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 872-9306.

17Apr04


WILLIAM J. DEANE, JR.
PRIMARY EXAMINER